

MAR 17 2009

Attorney Docket No. P67564US1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HIPFEL et al.

Via facsimile: 571-273-8300

Application No.: 10/501,814

Group Art Unit: 1649

Filed: July 19, 2004

Examiner: John D. Ulm

For: DIAGNOSTIC AND THERAPEUTIC USE OF THE VOLTAGE-GATED ION CHANNEL  
SCN2A FOR NEURODEGENERATIVE DISEASESREQUEST FOR CORRECTIVE OFFICE ACTION AND  
RESTART OF TIME PERIOD FOR REPLY [MPEP 710.06]Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The instant paper, transmitted by facsimile, requests that the PTO issue a corrective Office Action, which resets the time period for reply, in place of the Office Action, mailed March 3, 2009, because the instant Office Action is defective.

Pursuant to MPEP 710.06:

Where . . . an Office Action contains some . . . defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant.

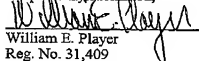
The Office Action is defective because it does not examine the claims in the later filed of two amendments filed 11 December 2008 (i.e., the "Supplemental Amendment") (copy and Electronic Acknowledgment Receipt attached); which, *i.a.*, limits all examined claims to "Alzheimer's disease."

In view of the foregoing, a new Office Action that corrects the above identified error, and restarts the time period for reply as of its mailing date, is in order. MPEP 710.06.

Favorable action is requested.

JACOBSON HOLMAN PLLC  
400 Seventh Street, NW  
Washington, D.C. 20004-2201  
Tel. No. (202) 638-6666  
Fax No. (202) 393-5350  
Date: March 17, 2009WEP/aer  
Z:\WFLAYE\wep&secretary\2009\March\P67564US\defective action(mpep710.06).wpd

Respectfully submitted,

  
William E. Player  
Reg. No. 31,409  
Attorney of record

### Electronic Acknowledgement Receipt

<b>EFS ID:</b>	4439897
<b>Application Number:</b>	10501814
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4911
<b>Title of Invention:</b>	Diagnostic and therapeutic use of a voltage-gated ion channel scn2a for neurodegenerative diseases
<b>First Named Inventor/Applicant Name:</b>	Rainer Hipfel
<b>Customer Number:</b>	00136
<b>Filer:</b>	William E. Player/Ashley Robertson
<b>Filer Authorized By:</b>	William E. Player
<b>Attorney Docket Number:</b>	P67564US1
<b>Receipt Date:</b>	11-DEC-2008
<b>Filing Date:</b>	11-MAY-2005
<b>Time Stamp:</b>	16:34:44
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

### Payment information:

<b>Submitted with Payment</b>		no			
<b>File Listing:</b>					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Response or Supplemental Amendment	SUPPLEMENTALAMENDMENT.pdf	1125273 <small>7962596d7948bdc92bf05e1326f1326e73048</small>	no	16
<b>Warnings:</b>					
<b>Information:</b>					

Total Files Size (in bytes):

1125273

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.